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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
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16 LIAN LI INDUSTRIAL CO., LTD.
17 and, CHEN, CHIEN-HAO,
18 Plaintiffs,
19 vs.
20 THERMALTAKE TECHNOLOGY
CO., LTD. and THERMALTAKE
21 INC. (a.k.a. THERMALTAKE USA),
22 Defendants.

23 Case No.: 2:23-cv-07470-HDV-MARx
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28 **DEFENDANTS' APPLICATION
TO CONTINUE INITIAL
SCHEDULING CONFERENCE
[L.R. 16-14]**

Judge: Hon. Hernán D. Vera
Scheduling Conf. Date:
Feb. 21, 2024
Proposed Scheduling Conf. Date:
April 3, 2024

Pursuant to L.R. 16-14, Defendants Thermaltake Technology Co., Ltd. and Thermaltake Inc. (a.k.a. Thermaltake USA) (collectively, “Thermaltake”), apply to continue the initial Scheduling Conference. The parties filed a Joint Rule 26(f) Report on February 7, 2024. Dkt. No. 31. The initial Scheduling Conference is set for February 21, 2024. Thermaltake respectfully requests the Court for an order continuing the initial Scheduling Conference to at least April 3, 2024, and for an order requiring the parties to file an amended Joint Rule 26(f) Report. The Court may continue a scheduling conference upon a showing of good cause. *See* Dkt. No. 31 at ¶A.6; Fed. R. Civ. Proc. 6(b); Fed. R. Civ. Proc. 16(b)(4). Defendants sought a stipulation to continue the Scheduling Conference, but Plaintiffs’ oppose a continuance. Good cause exists, for the following reasons:

Plaintiffs filed *Lian Li Industrial Co., Ltd. et al. v. Phanteks Europe et al.* (“*Phanteks*”), Case No. 2:23-cv-007471-HDV-MAR, in this Court on September 8, 2023, the same day as the instant case. On February 2, 2024, Thermaltake filed a Notice of Related Case identifying *Phanteks*, on the basis that both cases allege infringement of the same patent, U.S. Patent No. 10,690,336 (“the ’336 patent”), and will necessitate the Court to construe the claims of the ’336 patent. Dkt. No. 32.

Thermaltake believes that the resources of the Court and the parties would be conserved by aligning the schedules in both cases such that the Court can conduct a single Markman Hearing for the ’336 patent and consider other issues common to both cases at the same time. Because only two of the defendants in *Phanteks* have answered the complaint in that case, Thermaltake respectfully requests a continuance of the scheduling conference, currently scheduled for February 21, 2024, until after all defendants in *Phanteks* have answered.¹ The granting of a

¹ See Answer filed by Defendants Axpertec Int’l B.V. and Axpertec Inc. (identified as *Phanteks Europe* and *Phanteks USA*, respectively), Dkt. No. 30, Case No. 2:23-cv-7471 (Dec. 5, 2023).

1 continuance would allow time for the parties in both cases to align the pre-trial
 2 deadlines, so that a joint Markman Hearing can be held by the Court on the claim
 3 construction issues, which are common to both cases. According to the docket, the
 4 last defendant to answer in *Phanteks* is Phanteks Taiwan Inc., with a response due
 5 on March 6, 2024.² Accordingly, Thermaltake respectfully requests a continuance
 6 of the initial Scheduling Conference until at least April 3, 2024, to allow all relevant
 7 parties adequate time to coordinate the schedule in both cases. Because the
 8 scheduling proposals in this case also will need to be revised, Thermaltake also
 9 respectfully requests that the Court require the parties to file an amended Joint Rule
 10 26(f) Report two weeks before the continued initial Scheduling Conference that
 11 contains the revised scheduling proposals.

12 Therefore, there is good cause to continue the scheduling conference until
 13 such time as the parties in the instant case and *Phanteks* have had adequate time to
 14 coordinate the schedule in both cases, in particular the claim construction briefing
 15 schedule.

17 Dated: February 13, 2024

18 Respectfully Submitted,

19 **THE GIKKAS LAW FIRM, P.C.**

20 /s/ *Nicolas S. Gikkas*

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 27 and Thermaltake Inc.

28 ² See Waiver of Service of Summons, Dkt. No. 32, Case No. 2:23-cv-7471 (Dec. 8, 2023).

1 **CONFERENCE OF COUNSEL**

2 This motion is made following the conference of counsel pursuant to L.R. 7-
3 which took place on February 6, 2024.

4 */s/ Nicolas S. Gikkas*

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8 **CERTIFICATE OF SERVICE**

9 The undersigned hereby certifies that all counsel of record who are deemed
10 to have consented to electronic service are being served with a copy of this
11 document via the Court's CM/ECF system per L.R. 5-3.2.1 this 13th day of
12 February 2024. Any other counsel of record will be served by facsimile
13 transmission and/or first-class mail.

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15 */s/ Nicolas S. Gikkas*

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